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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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			EXAMINER
23696	7590	10/13/2005	RAMAKRISHNAIAH, MELUR

Qualcomm, NC
5775 Morehouse Drive
San Diego, CA 92121

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-3, 5-6, 8-10, 17-18, 20, 21, 23-25, 26, 28, 29, 32, 34, 36, 38-40 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Zilliacus et al. (US PAT:

6,832,230, filed 12-22-1999, hereinafter Zilliacus) in view of Kuftedjian (US PAT:

6,105,057, hereinafter Kuftedjian) and Jonsson (US PAT: 6,115,613).

Regarding claim 1, Zilliacus discloses a method for a wireless provider to support

a subscriber having a plurality of communication devices, wherein wireless service

provider charges a fee for an application and permits application to be invoked

singularly through a plurality of communication devices, comprising the steps of:

receiving a selection for a selected application form at least one of the plurality of

communication devices, sending a selected application to at least one of the plurality of

wireless communication devices, recording information of the selected application and

information of the plurality of the wireless communication devices (note: only one is

shown in fig. 1), receiving an activation request for the selected application from a

requesting wireless communication device (110/210, figs. 1-2), checking the availability

of the selected application (this is implied as the reference teaches sending the selected

application) and sending an activation to the requesting wireless communication device

(col. 4, line 47 – col. 6, line 52).

Regarding claim 17, Zilliacus discloses an apparatus for supporting a subscriber

of a wireless service to access an application from a plurality of wireless communication

devices, comprising a server (116, fig. 1; 230, fig. 2) in communication with a wireless

service provider, wherein the server receives an application selection, subscriber

information, and wireless communication device information from the subscriber, where

the server receives a request to access to the application from a requesting wireless

communication device, and server providing access to the requesting wireless

communication device (col. 4, line 47 – col. 6, line 52; fig. 4).

Regarding claim 21, Zilliacus discloses a method to access an application from a

plurality of communication devices, wherein the application can be invoked singularly,

comprising: a step of receiving a selection for a selected application from a requesting

wireless communication device (110/210, figs. 1-2), wherein the wireless

communication device belongs to a single subscriber account, a step of determining if

the selected application is associated with the single subscriber account, if the selected

application associated with the selected subscriber is not in use by another wireless

communication device (this is implied in as much as the reference is sending the

requested application to one wireless communication device at a time), a step of for

activating the selected application for requesting wireless communication device (col. 4,

line 47 – col. 6, line 52; fig. 4).

Regarding claim 23, Zilliacus discloses an apparatus for supporting a subscriber

of wireless service to access an application from a plurality of wireless communication

devices, comprising: means (128, fig. 1; 242, fig. 2) for providing an application to a

plurality of communications devices (like 110/210, figs. 1-2), means in (110/210, figs. 1-2) for receiving a request from one of the plurality of wireless communication devices to access a subscribed application, and means (118, fig. 1; 230, fig. 2) for allowing access to only one of the plurality of wireless communication devices to a subscribed application (col. 4, line 47 – col. 6, line 52; fig. 4).

Regarding claim 26, Zilliacus discloses an apparatus for supporting a subscriber to access an application from a plurality of wireless communications devices, comprising a server (118, fig. 1; 230, fig. 2) in communication with a wireless service provider, where server receives an application selection, subscriber information, and a wireless communication device information from the subscriber, where server has a subscription table in (232, FIG. 2), the subscription table having a plurality of entries, wherein an entry has a subscriber identification field (234, fig. 2, an application identification field (236, fig. 2) , and an active number user field (reads on 23, fig. 2, col. 4, line 47 – col. 6, line 52; fig. 4).

Regarding claim 29, Zilliacus discloses a method to access an application from a plurality of wireless communication devices, wherein the application can be invoked by plurality of communication devices, comprising: a step of for setting a predefined user number (reads on 23, fig. 2) for selected application in a subscription table for a subscription account, a step of receiving a selection for the selected application from a wireless communication device, wherein the wireless communications device is associated with a subscriber account, a step of comparing an active user number for the selected application with the predefined user number, and if the active user number

(reads on life time, col. 4 lines 24-30) for the selected application is lesser than the

predefined user number, a step of for activating the selected application in the wireless

communications device and incrementing the active number (col. 4, line 47 – col. 6, line

52; fig. 4).

Regarding claim 32, Zilliacus discloses computer program for storing in a

computer readable memory, the computer program when executed by a computer

device performing steps of: receiving a request for a subscribed application from a

requesting wireless communication device (like 110/210, figs. 1-2), determining if the

subscribed application is in use by another wireless communication device, if the

subscribed application is not in use (this is implied in as much as the reference is

sending the requested application to one wireless communication device at a time),

activating the subscribed application for requesting wireless communicating device (col.

4, line 47 – col. 6, line 52; fig. 4).

Zilliacus differs from the claimed invention in that he does not teach the following:

charging single subscription fee for an application, if the selected application is

available, making the selected application unavailable to other wireless devices, and

sending failure message to the wireless communication devices.

However, Jonsson teaches the following: charging single subscription fee for

service (see abstract); and Kuftedjian teaches the following: if the selected application is

available, making the selected application unavailable to other wireless devices (this

reads on locking/unlocking server resources for clients so that only one client is allowed

to have access to server resources: note: col. 2, line 60 – col. 3, line 3), sending failure

message to the communication devices (claim 10).

Thus, it would have been obvious to one of ordinary skill in the art at the

time invention was made to modify Zilliacus's system to provide for the following:

charging single subscription fee for an application as this arrangement would facilitate

group subscription for the using resources as taught by Jonsson, thus making it

economical to use resources; if the selected application is available, making the

selected application unavailable to other wireless devices, and sending failure message

to the wireless communication devices as this arrangement would facilitate to overcome

the problem of resource sharing by multiple users, thus safeguarding integrity of the

data resources at the server.

Regarding claims 2-3, 5-6, 8-10, 20, 24-25, 28, 34, 36, 38-40, Zilliacus further

teaches the following: associating subscriber information of the selected application and

plurality of the communication devices in a subscription table in (232, fig. 2), verifying

requesting wireless communication device belongs to the subscriber, providing a

subscription table in a server (232, fig. 2), sever (232) is a remote server, receiving

subscriber information from the requesting wireless communication device (110/210,

figs. 1-2), checking the subscriber information in the subscription table, receiving

information about the requesting wireless communication device, the entry has at least

one wireless communication device identification field, verifying the identity of the user

requesting access to the subscribed application, creating an entry in the subscription

table for the subscribed application, checking the subscriber information (col. 4, line 47

– col. 6, line 52; fig. 4).

Zilliacus differs from claim 31 in that although he teaches the following: if the

active user number is bigger than the predefined user number (this reads on lifetime of

application use, col. 4 lines 25-30); but he does not teach the following: sending a

failure message to the wireless communication device.

However, Kuftedjian teaches the following sending failure message to the

communication devices (claim 10).

Thus, it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify Zilliacus's system to provide for the following: sending a

failure message to the communication device as this arrangement would provide means

for informing the user of unavailability of the resource for using it as taught by

Kuftedjian.

3.   Claims 7, 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zilliacus in view of Kuftedjian and Jonsson as applied to claims 1 and 32 above, and

further in view of Peters et al. (US PAT: 6,246,430, hereinafter Peters).

Regarding claims 7 and 35, the combination does not teach the following:

sending an application menu to the plurality of wireless communication devices.

However, Peters teaches the following: sending an application menu to the

plurality of wireless communication devices (col. 2, line 62 – col. 3, line 11).

Thus, it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify the combination to provide for the following: sending an

application menu to the plurality of wireless communication devices as this arrangement

would facilitate the user to select desired information from the server as taught by

Peters.

4.   Claims 11-13, 19, 22, 27, 30, 33, 41 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Zilliacus in view of Kuftedjian and Jonsson as applied to

claims 1, 17, 21, 26, 29, 32 above, and further in view of Nickels (US PAT: 6,134,591).

Regarding claims 11-13, 19, 22, 27, 30, 33, 41, the combination does not teach

the following: receiving a password from the requesting wireless communication device,

checking the password information in the subscription table, receiving a user name,

entry has a password field.

However, Nickels teaches the following: receiving a password from the

requesting communication device, checking the password information in the

subscription table, receiving a user name, entry has a password field (fig. 12 col. 17

lines 39-59).

Thus, it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify the combination to provide for the following: receiving a

password from the requesting wireless communication device, checking the password

information in the subscription table, receiving a user name, entry has a password field

as this arrangement would facilitate to control access to the resources provided by a

server as taught by Nickels, thus protecting the server resources from unauthorized users.

5.   Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zilliacus in view of Jonsson.

Regarding claim 14, Zilliacus discloses a system for wireless service provider supporting a subscribe with a plurality of wireless communication devices, wherein the wireless service provider charges a subscription fees for a service and permits the service to be invoked singularly through a plurality of communication devices, comprising: a mobile switching center (not shown) in communication with a plurality of of wireless communication devices (110, fig. 1; 210, fig. 2), wherein plurality of wireless communication devices have subscriber information, a server (230/232, fig. 2) in communication with mobile switching center, the server (232, fig. 2) having a subscription table, wherein the subscription table has plurality of entries (234/236/23, fig. 2), each entry having subscriber identification field, an application identification field, a plurality of device identification fields (this is implied col. 7 lines 16-25), wherein each device identification field stores information about one wireless communication device (col. 4, line 47 – col. 6, line 52; fig. 4).

Zilliacus differs from claim 14 in that he teach the following: charging a single subscription fee for a service.

However, Jonsson teaches the following: charging a single subscription fee for a service (see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Zilliacus's system to provide for the following: charging single subscription fee for an application as this arrangement would facilitate group subscription for the using resources as taught by Jonsson, thus making it economical to use resources.

Regarding claim 15, Zilliacus further teaches the following: subscription table further comprising a current device field (234, fig. 2, col. 5 lines 40-46).

6.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zilliacus in view of Jonsson as applied to claim 14 above, and further in view of Nickels.

Regarding claim 16, the combination does not teach the following: subscription table comprises a password field.

However, Nickels teaches the following: subscription table comprises a password field (col. 17 lines 39-49).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: subscription table comprises a password field as this arrangement would facilitate to control access to the resources provided by a server as taught by Nickels, thus protecting the server resources from unauthorized users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643